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STAAS & HALSEY -202-434-1501 CENTRAL FAX CENTER NO. 9636 P. 7

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Serial No. 10/053,707

REMARKS

In the Office Action the Examiner noted that claims 1-13 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1 and 9 have been amended. No new matter has been presented. Thus, claims 1-13 remain pending in the application. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Claim Rejections Under 35 USC §103

In item 4 on page 2 of the Office Action the Examiner rejected claim 13 under 35 U.S.C. §102(a) as being anticipated by Miyake et al. (EP 1,089,168, hereinafter referred to as "Miyake"). The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 13 of the present application recites "arranging, via computer, variable-length instructions to be executed in an order in a logical instruction slot; and verifying an arrangement of the variable-length instructions." The Applicants respectfully submit that these features are not disclosed by Miyake.

The Examiner stated that Miyake discloses arranging variable-length instructions to be executed in an order in a logical instruction slot, and verifying an arrangement of the variable-length instructions, citing paragraphs [0067]-[0069] and Figure 9 of Miyake. However, the Applicants respectfully submit that Miyake discloses rearranging instruction word formats, through a conversion unit, into word formats which correspond to the instruction execution units. The Applicants respectfully submit that this does not anticipate the logical instruction slot recited in claim 13 of the present application, nor the verification of the arrangement produced in the logical instruction slot. Thus, the Applicants respectfully submit that claim 13 of the present application patentably distinguishes over Miyake.

This traversal was presented in the response to the previous Office Action. In the current Office Action, the Examiner alleged that the Applicants failed "to set forth the difference", and "merely allege[d] that the teaching of Miyake et al. is not the claimed invention." However, the Applicants respectfully submit that at least one feature is cited above that is not disclosed in Miyake, and that further support of the differences is also provided. To wit, the Applicants stated that neither the logical instruction slots nor the verification of the arrangement were disclosed in Miyake.

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In item 7 on page 2 of the Office Action the Examiner rejected claims 1-13 under 35 USC §102(a) as being anticipated by the Description of the Related Art (hereinafter referred to as "DRA"), which the Examiner alleged to be an admission of prior art. The Applicants respectfully traverse the Examiner's rejections of these claims.

Claim 1 of the present application, as amended, recites "assigning, to a physical instruction slot, said basic instruction determined to be assignable to said logical instruction slot based on a relation between said basic instruction determined to be assignable and another basic instruction assigned to a corresponding logical instruction slot." The Applicants respectfully submit that DRA does not disclose or suggest at least this feature of claim 1.

The Examiner alleged that DRA discloses determining whether said basic instruction can be assigned to a logical instruction slot through checking a relationship between said classification of said functional unit and said logical instruction slot, and assigning, to an instruction slot, said basic instruction determined to be assigned to said logical instruction slot. The Applicants respectfully submit that DRA describes determining whether the basic instruction can be assigned to an instruction assignment table and assigning, to an instruction slot, the basic instruction determined to be assignable to the instruction assignment table. However, in direct contrast to claim 1 of the present application, DRA does not disclose or suggest "assigning, to a physical instruction slot, said basic instruction determined to be assignable to said logical instruction slot based on a relation between said basic instruction determined to be assignable and another basic instruction assigned to a corresponding logical instruction slot." Therefore, for at least the reasons presented above, the Applicants respectfully submit that claim 1 patentably distinguishes over DRA.

Claims 2-8 depend from claim 1 and include all of the features of that claim plus additional features which are not disclosed or suggested by DRA. Therefore, it is respectfully submitted that claims 2-8 also patentably distinguish over DRA.

Claim 9 of the present application recites similar features to those discussed in regard to claim 1. Further, claims 10-12 depend from claim 9 and include all of the features of that claim plus additional features which are not disclosed or suggested by DRA. Therefore, it is respectfully submitted that claims 9-12 also patentably distinguish over DRA.

As previously discussed, claim 13 of the present application recites arranging, via computer, variable-length instructions to be executed in an order in a logical instruction slot; and verifying an arrangement of the variable-length instructions. Neither the arranging in the logical instruction slot nor the verification of the arrangement, as recited in claim 13, is disclosed or

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suggested by DRA. Further, the Examiner has apparently not attempted to cite at least this verification process in DRA. Therefore, it is respectfully submitted that claim 13 also patentably distinguishes over DRA.

Summary

In accordance with the foregoing, claims 1 and 9 have been amended. No new matter has been presented. Thus, claims 1-13 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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